IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5935 OF 2005

M/s.Western Electronics &
Appliances Pvt.Ltd. and Ors. ..Applicants

Vs.

Ajit Kumar Narakat & Anr. ..Respondents

...

Mr.Ajay Panicker Advocate for Applicants
Ms.S.V.Gajare A.P.P. for the State
Mr.Javed Hussain for Respondent no.1

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 26,2005

P.C.

1. Heard the learned advocate for the applicants, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Metropolitan Magistrate, 30th Court, Kurla, Mumbai in C.C.No.4042/SS/2005 (Old No.356/S/2004). In the said case process was issued against the applicants under Section 138 of

Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

. The learned advocate for the respondent no.1-complainant fairly states that no objection

will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]